

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
HELENA DIVISION**

WAYNE A. HUSSAR, II,

Plaintiff,

v.

DISTRICT COURT JUDGE JAMES P.
REYNOLDS, LEWIS & CLARK
COUNTY DISTRICT COURT, THE
STATE OF MONTANA ATTORNEY
GENERAL, et al.,

Defendants.

CV-19-12-H-BMM-JTJ

**ORDER ADOPTING MAGISTRATE
JUDGE'S FINDINGS AND
RECOMMENDATIONS**

Plaintiff Wayne Hussar, a prisoner proceeding without counsel, filed an action to proceed in forma pauperis (Doc. 1) and a proposed Complaint (Doc. 2).

Magistrate Judge Johnston determined Mr. Hussar is subject to the three strikes provision of 28 U.S.C. § 1915(g) and therefore the motion to proceed in forma pauperis should be denied. (Doc. 3 at 1). Judge Johnston held that Mr.

Hussar filed at least three civil actions which have been dismissed as frivolous or for failure to state a claim. *See Hussar v. Touchette*, CV-11-00011- H-DWM (D. Mont. May 6, 2011) dismissed as frivolous, *Hussar v. Abendroth, et al.*, CV-12-00076-M-DLC (D. Mont. October 30, 2012) dismissed for failure to state a claim, and *Hussar v. Nichals*, CV-12-00045-H-DLC (D. Mont. January 29, 2013) dismissed for failure to state a claim. None of these dismissals were appealed.

Judge Johnston entered Findings and Recommendations on January 31, 2019, and determined that Mr. Hussar's Motion to Proceed in Forma Pauperis should be denied. (Doc. 3 at 3).

No party filed objections to Judge Johnston's Findings and Recommendations. The Court has reviewed Judge Johnston's Findings and Recommendations for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981). The Court finds no error in Judge Johnston's Findings and Recommendations and adopts them in full.

ORDER

Accordingly, **IT IS ORDERED** that Magistrate Judge Johnston's Findings and Recommendations (Doc. 3) are **ADOPTED IN FULL**.

IT IS ORDERED that Mr. Hussar's Motion to Proceed in Forma Pauperis (Doc. 1) is **DENIED** pursuant to 28 U.S.C. § 1915(g).

The Clerk of the Court is directed to close the case and enter judgment pursuant to Rule 58 of the Federal Rules of Civil Procedure.

No motions for reconsideration or rehearing will be entertained and the Clerk of the Court is directed to discard any such motions.

DATED this 19th day of March, 2019.

A handwritten signature in blue ink, reading "Brian Morris". The signature is written in a cursive style with a horizontal line underneath it.

Brian Morris
United States District Court Judge

